



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	124	Manual Of Standards For Children'S Shelter Facilities And Homes	9/12/2008
Subchapter:	3	Staff Requirements	
Section	9	Child Abuse Record Information background checks (N.J.A.C. 10:124-3.9)	

§10:124-3.9. Child Abuse Record Information background checks

- (a) As a condition of securing and maintaining a certificate, the facility or home shall provide written consent to the Division from each shelter facility director, shelter facility or shelter home staff member, shelter home parent and shelter home household member at least 18 years of age, for a Child Abuse Record Information (CARI) background check to be conducted.
- (b) If a facility director, shelter home coordinator, shelter home parent or shelter home household member refuses to consent to or cooperate in a CARI background check, the Division shall deny, suspend, revoke or refuse to renew the certificate, as applicable.
1. The facility or home may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C. 10:124-1.6.
 2. The shelter home parent may choose to remove the household member so refusing from the home before the action against the certificate takes effect.
- (c) If a staff member refuses to consent to or cooperate in a CARI background check, the facility or home shall immediately terminate the staff member's employment at the facility or home.
- (d) Upon receipt of written consent from an individual specified in (a) above, the Division shall conduct a search of its records to determine if an allegation of child abuse or neglect has been substantiated, pursuant to section 4 of P.L. 1971, c.437 (N.J.S.A. 9:6-8.11), against the individual.
1. The Department shall consider incidents of child abuse and neglect that were substantiated on or after June 29, 1995, to ensure that the perpetrator has had an opportunity to appeal a substantiated finding of child abuse or neglect.
 2. The Department may consider incidents substantiated prior to June 29, 1995 if the Department, in its judgment, determines that the

perpetrator poses a risk of harm to children in a home. In cases involving incidents substantiated prior to June 29, 1995 in which the Department determines that the individual is disqualified, the Department shall offer the perpetrator an opportunity for a hearing to contest the substantiation.

(e) If the Division determines that an allegation of child abuse or neglect has been substantiated against an individual specified in (a) above, the facility or home shall immediately terminate the individual's employment at the facility or home.

(f) If the Division determines that an allegation of child abuse or neglect has been substantiated against a facility director, shelter home coordinator, shelter home parent or shelter home household member, the Division shall deny, suspend, revoke or refuse to renew the certificate of approval, as applicable.

1. The facility or home may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C. 10:124-2.4.

2. The shelter home parent may choose to remove the disqualified household member from the home before the action against the certificate takes effect.

3. If the incident was substantiated prior to June 29, 1995, the Division shall notify the individual in writing that the individual may request a hearing to contest the substantiation.

(g) If the Division determines that an allegation of child abuse or neglect has been unsubstantiated against a staff member, the facility or home shall notify the staff member in writing that the termination of employment is based on a substantiated allegation of child abuse or neglect. If the incident was substantiated prior to June 29, 1995, the facility or home shall notify the staff member in writing that the staff member may request a hearing to contest the substantiation.

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